

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. PCT/EP2004/001923	International filing date (day/month/year) 26.02.2004	Priority date (day/month/year) 26.03.2003	
International Patent Classification (IPC) or both national classification and IPC H04M1/02			
Applicant SONY ERICSSON MOBILE COMMUNICATIONS AB			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

T: 26.1.05/05  
W: 26.10.04/04

Name and mailing address of the ISA:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Golzio, D Telephone No. +31 70 340-3486
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2004/001923

**Box No. II Priority**

1.  The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	3-4
	No: Claims	1-2
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4
Industrial applicability (IA)	Yes: Claims	1-4
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Section V****Claim 1**

Using the wording of present Claim 1, document **D1** (PATENT ABSTRACTS OF JAPAN vol. 2003, no. 04, 2 April 2003 & JP 2002 369252 A (SONY CORP), 20 December 2002) discloses in figure 1 (the reference numerals noted being those of document D1),

clamshell-type mobile terminal for a wireless communication system, with a lower casing (25) comprising a keypad with input keys, an upper casing (14) comprising a display (16), a hinge means (18) connecting the lower and the upper casing so that the lower and upper casing can be folded onto each other, whereby the hinge means (18) is located and arranged so that in an opened state, the lower casing (25) lies above the upper casing (14) enabling an easy access to input keys located close to the hinge means on the lower casing.

In view of the above the subject-matter of Claim 1 is not considered novel (Art.33 (1), Art.33(2) PCT).

It should be noted that the objection against novelty has not been raised because of a broad formulation of the claim, it appears rather that document **D1** anticipates the clamshell-type mobile terminal defined in the set of claims and described in the present Application. Moreover the same objection against novelty could have been raised using document **D2** (GB-A-2322504).

**Claim 2 to 4**

The additional features defined in the dependent Claims 2 to 4 are either features well known in the art - cf. documents **D1**, **D2**, **D3** (EP-A-1178647) and the others cited in the ISR - or design measures which one would regard as expected from the skilled person: the resulting claims are either not novel or novel but not inventive (Art.33(1)-(3) PCT).